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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,071	01/13/2000	TAKUYA NISHIMURA	MTS-V03176	6807

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EXAMINER

TRAN, TONGOC

ART UNIT PAPER NUMBER

2134

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/403,071

Applicant(s)

TAKUYA NISHIMURA

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 12, 17, 20, 22, 23 and 31-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 20 and 22 is/are allowed.
6) ☒ Claim(s) 1-3, 5-9, 12, 17, 23 and 31-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/9/04, 8/5/05, 8/25/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

AT

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 8/5/2005 has been entered. Claims 4, 10-11, 13-16, 18-19, 21, 24-30 and 43 was previously cancelled. 1-3, 5-9, 12, 17, 20, 22, 23 and 31-42 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on February 9, 2004, August 9, 2005 and August 25, 2005 have been considered by the Examiner.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9, 12, 17, 23 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. (JP 408297638A).

In respect to claim 1, Sugiyama discloses a digital AV data transmitting unit comprising:

data significance deciding means deciding the significance degree of digital AV data (see page 1, 2nd paragraph)

transmitting-side plurality-of-authentication-rules storing means storing a plurality of types of authentication rules (see page 1, 3rd paragraph, transmitting-side authentication selecting means selecting one type of rule from the transmitting-side plurality-of-authentication-rules storing means in accordance with a decision result by the data significance deciding means when receiving an authentication request; and transmitting-side authenticating means performing authentication in accordance with the selected authentication rule (see page 1, 4th paragraph); a common key is used for transmitting a sole single key from a transmission unit to a plurality of receiving units depending on the security level, and the sole single key does not depend on the respective receiving units, and is used when the digital AV data is transmitted from the transmitting unit to the receiving units; and if the first rule or the second rule is selected by the transmitting-side authenticating means, the digital AV data encrypted using the transmitted sole single key is transmitted from the transmitting unit to the receiving unit (page 6, 1st – 2nd paragraph).

Sugiyama does not disclose wherein the plurality of types of authentication rules includes a first rule configured to use a public key and a secret key to provide a first type of encryption having high-security against forgery or alteration, and a second rule configured to use a common key to provide a second type of encryption having low-security against forgery or alteration. However, However, Al-Tuwaijry discloses the private key system (e.g. DES) are more widely used than the public key systems because they are fast and easy to implement, but provide low security and the public key system (e.g. RSA) provide much higher security levels but they are very slow (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the public key system with slower response time and common key system with faster response time taught by Al-Tuwaijry with Sugiyama's teaching that give priority to the response time at the sacrifice of low security level because public key system is more secure than private key system.

In respect to claim 2, the claim limitation is a receiving unit that is substantially similar to claim 1. Therefore, claim 2 is rejected based on the similar rationale.

In respect to claims 3, 5-6 and 12, the claim limitations are transceiving system claims including plurality of transmitting and receiving devices of claims 1 and 2. Therefore, claims 3, 5-6 and 12 are rejected based on the similar rationale.

In respect to claims 7-9 ,17, 23 and 31-33, the claims limitations are similar to claims 1-3. Therefore, claims 7-9, 17, 23 and 31-33 are rejected based on the similar rationale.

5. Claims 34-42 are are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. (JP 408297638A) in view of Al-Tuwaijry (IEE Conference Publication, "High Speed RSA Processor", 1991) and further in view of Smyers (U.S. Patent No. 5,948,136).

In respect to claims 34-42, Sugiyama and Al-Tuwaijry disclose transmitting unit of claim 31 but do not disclose but Smyers wherein the predetermined control criterion is a reference list capable of identifying an illegal unjust digital AV data receiving unit and the identification information serves as an ID for the control criterion corresponding to the receiving unit and a signature for the ID (see Abstract, col. 3, lines 8-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of Sugiyama's authentication between transmitting device and receiving device with Smyers teaching of predetermined device registration list to identity the device ID for device identification and verifying if receiving device is authorized to receive copy protected content before transmitting the copyrighted content data.

Allowable Subject Matter

6. Claims 20 and 22 are allowed.

The following is an examiner's statement of reasons for allowance:

Sugiyama and Smyers do not disclose a decoding-information selecting means transmitting the decoding information having levels equals to or lower than the deciding authentication level to the receiving unit wherein the decoding-information selecting means transmit request decoding information to the receiving unit without performing the authentication procedure.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Tongoc Tran
Art Unit: 2134

October 3, 2005



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100